

**December 1, 2011 Minutes of  
Bigfork Land Use Advisory Committee  
Bethany Lutheran Church**

Committee members present: Susan Johnson, Joyce Mitchell, John Bourquin, Paul Guerrant, Shelley Gonzales, Sue Hanson and 6 members of the public.

Chairman Gonzales called the meeting to order at 4:04 p.m.

The Agenda was adopted as presented (m/sc Mitchell/Guerrant)-unanimous.

Minutes of the September 29, 2011 meeting were approved. (m/sc Mitchell/Bourquin)

**ADMINISTRATOR'S REPORT:**

**A. Sign-in Sheet:** Reminder to the public of the availability of BLUAC minutes through email and BSC website [bigforksteering.org/](http://bigforksteering.org/). Agendas are posted on the Flathead County Planning Office website [flathead.mt.gov/](http://flathead.mt.gov/)

**B. Status:** Roman Catholic Diocese of Helena was approved by the Flathead County Planning Board on October 19, 2011. Flathead County Commissioners will review the application on December 21, 2011.

**PUBLIC COMMENT:**

**Craig Wagner:** Has anything been done about that mess of Lieberman's at the old bowling alley? **A.** Unknown status.

**Julie Spencer:** Work is proceeding well with the new sewer plant upgrade. The Sewer District has also acquired an easement in the area of the east side of Bigfork Bay to provide better access to infrastructure.

Note: Planning Office staff was running late for the meeting. Chairman Gonzales suggested moving to New Business on the agenda.

**APPLICATIONS:**

**A. Douglas White (FCU-11-07):** A request by Douglas White, for a Conditional Use Permit for a proposed tavern/casino and multiple principal uses within the Bigfork B-3 (Community Business) Zoning District. The tavern/casino would be located within an existing gas station/convenience store building currently established on the property. Located at 7505 MT Highway 35 at the intersection of Highways 35 and 83, the property contains 0.78 acres.

**STAFF:** Alex Hogle apologized for being late for today's meeting. He reported that the primary purpose of the application is to include as uses a casino and tavern. There will be no changes to the exterior of the building. The location is served by Bigfork Water and Sewer Dept.. Additional parking would be located at the north/east portion of the property. Primary access is from both Highway 35 and Highway 83. Hwy 35 is accessed through an easement. The property fronts on Hwy 35 and falls into a loophole regarding proximity to a church. The Planning Office has received a few comments. MDT has not commented. Bigfork Fire Dept. has no concerns. There is also a fire hydrant on the property. The property seems to be reasonably safe for fire and emergency considerations. There are not a specified number of parking spaces for a gas station in county regulations, however the application allows for additional parking spaces. Parking appears to be adequate. There are 13 Conditions and 15 Findings of Fact.

**Mitchell:** The applications states 8 to 12 gaming machines and tavern seating of 15 people. Is there a seat in front of every gaming machine? It looks like there would be seating for 27 people not considering the convenience store. Is this parking adequate? **A:** Unfortunately, there is no zoning requirement for this type of business. There will be a seat at each gaming table. If you look at Exhibit A and the portion labeled casino,

you see 8 gaming machines. If their business should be successful, they would like to have the ability to add more gaming machines.

**Mitchell:** If, in fact, they are successful, and I hope they are, are there going to be adequate parking spaces? **A:** I can't answer that. Some food for thought is that there was an initial submittal that had a different parking scheme. There is potential for additional parking in the grassy area on the east side of the building. There is area to grow.

**Alison Wallen:** I manage the convenience store for Mr. White. We want to start small and take our time with this. We will not have 12 machines to start with. With the present economy, we wanted to generate more income. We have filed with the State for a gaming/liquor license and that process has started.

**Guerrant:** Is this a full liquor license? **A:** Yes. Will the gaming portion be separated from the convenience store by walls. **A:** Yes. The access will be on the west side of the building.

**Bourquin:** Is access from the north a problem with the church? **A:** Yes

**Gonzales:** Is Mr. White a US citizen? **A:** No. Then, who is making the application? **A:** Mr. Smith. He does not have to be a US citizen.

**Mitchell:** Is he a resident of Bigfork? **A:** Yes.

**Gonzales:** The application says there are 7 existing parking places. Where are those located? **A:** Most in front and along the north side. My understanding is the additional parking will be on the east side of the property.

**Bourquin:** What do you expect as hours of operation? **A:** The casino from 8:00am to 10:00pm for seven days a week. I don't understand the need for a condition for hours of operation. My understanding is that the State of Montana sets hours of operation for taverns and casinos and the county cannot require different hours. We had an application at Branding Iron Station where the neighbors were concerned about noise. The application had a condition setting hours of operation and the Board of Adjustment ruled that the State has jurisdiction over hours of operation and the county cannot alter those.

**Staff:** I am not aware of that, but will make a note in my comments.

**Mitchell:** The Bowling Center has gaming machines. It is my understanding that the gaming machines at Los Corporales and Grizzly Jacks have removed their gaming machines. Is that correct? **A:** Yes.

## **PUBLIC AGENCIES:**

**Julie Spencer:** There is water and sewer available at this location and at this point we do have adequate capacity.

## **PUBLIC COMMENT: None**

## **BLUAC**

**Gonzales:** I am a promoter of business and new opportunities. However, I pass this intersection almost every day. There's commuter parking at the Little Brown Church, Jewel Basin access is close by. This is a very congested traffic area. The Bigfork Survey results indicated the need to discourage more bars and casinos. In this area, there are a number of bars and casinos. I'm concerned about safety issues at this corner. I have serious concerns about the need to add bar and casino traffic to this area.

**Mitchell:** On some level, I agree with you, but this was allowed for Los Corporales and to Grizzly Jacks. I don't feel it is right that the applicant be penalized for this. I would hope your business would be responsible in this regard. I see that intersection as the entryway to Bigfork. I would hope, in the future, we could have a combination of businesses that are more representative of our community. I also note that you are meeting the sign and lighting requirements of Policy 12.8 of the Bigfork Neighborhood Plan. I do hope you will consider signage that is appropriate.

**Guerrant:** I am not a fan of bright lights and flashing signs. I was also concerned about the proximity to the church. If that requirement has been met, I am satisfied.

**Bourquin:** I, personally, do not have a problem with the application. In these economic times, we need healthy retailers and those who are interested in keeping their businesses looking nice.

**Johnson:** I agree with everyone. I also am concerned about the traffic hazards at this intersection. I hope you will address the parking issues.

**Motion:**

Guerrant moved to recommend approval of the application. Bourquin seconded the motion.

Discussion:

**Bourquin:** Move to amend or eliminate Condition 12 to read “consistent with Montana Liquor laws”.

Guerrant seconded the motion.

Motion was passed 4 to 1 with Gonzales voting nay. Staff indicated the recommendation would be noted in comments for the Board of Adjustment.

The Flathead County Planning Board of Adjustment will review this application on December 6, 2011, 6:00 p.m. at Earl Bennett Building, 1035 1<sup>st</sup> Avenue West, Kalispell, MT.

**OLD BUSINESS: None**

**NEW BUSINESS:**

**A.** Bigfork Steering .org webpage future funding requirements and users.

Chairman Gonzales asked Craig Wagner about the annual costs for the bigforksteering.org website. Wagner reported that the Bigfork Steering Committee (BSC) paid for two years of domain fee from BSC funds. Pat Wagner reported that Bigfork Web Development has raised the maintenance fee to \$126 but was not sure if that was for ½ year or the whole year. She will determine the correct amount.

Sue Hanson reported that the Bigfork Stormwater Advisory Committee (BSAC) has budgeted \$75 for 2012 for half of the maintenance fee and \$250 for upgrade of the website. The BSAC maintains a page on the website and has grant funding for Education & Outreach to help pay costs of the website.

Joyce Mitchell suggested looking into grant funding for helping pay for the website. Wagner will look into that possibility.

Gonzales moved that BSC funds be held for future website payments. Mitchell seconded the motion. Motion carried unanimously.

**Guerrant:** I would like to address a donation for Bethany Lutheran Church at our next meeting. The item will be placed on the agenda.

Meeting was adjourned at 5:20 p.m.

Next meeting December 29, 2011

Sue Hanson  
BLUAC Secretary